



STATE OF WISCONSIN
WISCONSIN HOUSING AND ECONOMIC
DEVELOPMENT AUTHORITY

POLICY REGARDING
CONSULTATION
WITH
WISCONSIN'S INDIAN TRIBES

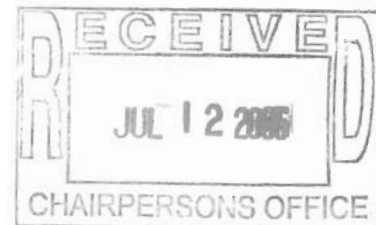
A handwritten signature in black ink, appearing to read "Jim Doyle", written over a horizontal line.

Governor Jim Doyle

A large, stylized handwritten signature in black ink, written over a horizontal line.

Executive Director Antonio Riley

June 28, 2005



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I. Introduction

Definition of WHEDA

WHEDA is an independent state finance authority that works through a network of Wisconsin lending institutions to provide low-cost financing for housing and economic development. The Wisconsin legislature created WHEDA in 1972 to meet an increasing need to stimulate affordable housing throughout the state. The authority was established because the state is constitutionally prohibited from incurring debt for housing purposes. Subsequently, in 1983 WHEDA's mission was expanded via the state statute to include the provision of financing for economic development and agribusiness. The organization's mission is as follows:

The Wisconsin Housing and Economic Development Authority serves Wisconsin residents and communities by working with others to provide creative financing resources and information to stimulate and preserve affordable housing, small business and agribusiness.

The organization uses no state tax dollars for its housing programs. By selling tax-exempt bonds, WHEDA is able to provide housing developers and homebuyers with low-cost mortgages. This, in turn, helps people on the lower end of the income scale obtain decent, affordable housing. Loans are provided for apartment buildings, houses and home improvements. And, as a nonprofit, WHEDA contributes a portion of its lending pool to a grant fund that supports housing shelters for persons with special needs.

Legislative Governance

A Board of twelve public, legislative, and ex-officio members governs WHEDA. Six public members are appointed by the Governor with the advice and consent of the State Senate, and serve staggered, four-year terms. The Governor appoints the Chairman for a one-year term from among the public members. The Secretary of Wisconsin's Department of Commerce and the Secretary of the Department of Administration serve by virtue of their positions in state government, and one State Senator and one State Representative of each party are appointed by their respective houses. The Governor appoints the Executive Director to a two-year term with the advice and consent of the State Senate. WHEDA's programs and budget are managed by its Board to maintain a constitutionally required separation from the State.

WHEDA's operating budget is not included in the state budget and is not subject to legislative control. Revenues to finance its operating and capital budgets are derived primarily from interest earnings on loans, investments of assets and administrative fees. WHEDA's programs and budget are managed by its Board to maintain a constitutionally required separation from the State.

WHEDA is subject to federal tax law that governs the issuance and use of tax-exempt bond proceeds. As a financial institution and lender, WHEDA is also subject to state and federal regulation as related to those activities.

Values

Wisconsin Housing and Economic Development Authority staff maintains a strong set of values that guide us in meeting our mission:

People: We need each other to be successful; we understand the value of teamwork. We respect individual differences and help each other reach our highest potential.

Personal Responsibility: All staff at all levels are accountable for their work and behavior.

Communication: An open exchange of information is the foundation of our achievements.

Customer Driven: Satisfied customers are a measure of our success.

Excellence: Excellence is the benchmark of each day's work.

Financial Viability: Financial stability and sustainable growth are necessary to meet our mission.

Ethics: Customer confidence and faith are the result of never compromising high ethical standards.

Innovation: Our success depends upon forward thinking, adaptability and risk taking.

Collaboration: Our success depends on our partners and our ability to help them succeed and meet their mission.

We strive to be efficient both economically and administratively, while responsive to the changing needs within the State.

Economic efficiency: A significant portion of WHEDA's financing capital is generated from federally regulated tax-exempt bonds, and requires WHEDA to operate with high levels of fiscal accountability. This responsibility must be assumed through all levels of operation, and places equal responsibility upon WHEDA's end-users. WHEDA strives to achieve the highest level of fiscal responsibility, while mitigating against delivery limitations that may result due to these requirements. Similarly, tribal economies and finances are uniquely challenged by circumstances relative to sovereignty and trust land issues that will require special consideration by those State agencies that serve them.

Administrative efficiency: Like all state agencies, WHEDA should strive to go about its core mission in the most administratively efficient manner possible. Mandates, restrictions, and protocols as set for by State legislation present additional administrative requirements on WHEDA. WHEDA will make every effort to maximize its service to the Tribes of Wisconsin with a minimum of administrative burden, while at the same time achieving high standards of efficiency and accountability.

Responsiveness. We strive to adhere to legislated mandates and policy at all times, while responding to changing circumstances of housing and economic development throughout the State.

In February 2004, Governor James Doyle issued Executive Order #39 relating to an affirmation of the government-to-government relationship between the State of Wisconsin and American Indian Tribal governments located within the State of Wisconsin (Tribes). The Executive Order states: "Whereas State and Tribal governments play key roles in serving all of the citizens of the State of Wisconsin and collaboration between Tribes and State agencies will ensure that services are efficiently provided to all citizens, minimize service overlap, preserve natural resources and encourage sustainable economic development ..."

A cooperative approach to understanding the unique Tribal circumstances, and the context within which WHEDA serves the residents, businesses and communities of Wisconsin, presents an opportunity for the state of Wisconsin and Tribal governments to improve both tribal and state economic environments.

The purpose of this consultation policy is to lay out the structure for cooperation between the Housing and Economic Development Authority and Tribal governments, and detail the nature of such a government-to-government relationship.

II. Objectives

The objectives of this policy are:

- A. To create a collaborative effort to improve the development, administration and oversight of WHEDA loan products and services.
- B. To formalize the process for WHEDA to implement a government-to-government relationship and to seek discussion with and participation of representatives of Tribal governments in policy development and implementation.
- C. To promote and develop methods of obtaining consultation on issues from Tribal governments and to involve their representatives in the WHEDA decision-making process.

III. Guiding Principles

WHEDA is committed to improving and maintaining effective government-to-government relations with American Indian tribes in Wisconsin. The development of mutual understanding, with cultural awareness and sensitivity, is necessary for an effective consultation on policy and collaboration. Toward achieving this goal, WHEDA shall utilize the following principles. Integration of these principles into management activities and the development of the WHEDA strategic plan will facilitate the administration of WHEDA programs in a fair, equitable and efficient manner.

- A. The State of Wisconsin recognizes the eleven tribal nations as unique, independent sovereign nations. It is important to recognize the uniqueness of each Tribe's culture, governmental structure and processes, business enterprises, where Tribal members are located, and other factors.
- B. Consultation requires accurate and timely communication with Tribal governments in a cooperative process that strives to achieve consensus before a decision is made or an action is taken.
- C. Working directly with American Indian tribes in a government-to-government manner will result in an effective, efficient, and sustainable consultation process.
- D. Consultation with Tribal governments when developing and implementing policies and programs, legislative initiatives, regulations, and other activities that are anticipated to directly affect American Indian Tribes or their members are necessary and respectful. This includes issues presented by the Tribes on which they would like consultation.
- E. Promotion of cooperation among affected parties is the best way to resolve issues of mutual concern.

IV. Purpose and Methods

The State of Wisconsin, represented for purposes of this policy by the Wisconsin Housing and Economic Development Authority, with the concurrence of the Tribes as sovereign nations, will diligently seek to maintain an ongoing and meaningful process for communicating general concerns, program and funding priorities, respective roles in the provision of services to Tribal community members, and other high-level matters of mutual concern.

The Wisconsin Housing and Economic Development Authority, together with the Wisconsin federally recognized Tribal governments, establishes this policy requiring consultation by and between these governments on WHEDA policies and activities.

A. Annual Meetings

The Executive Director of the Wisconsin Housing and Economic Development Authority shall assume the responsibility for scheduling, in consultation with Tribal leadership, an annual consultation session at which the Executive Director will be present, which must include invitations to, at a minimum, the following individuals (who may designate another individual with appropriate authority to attend):

- Chairperson, Bad River Band of Lake Superior Tribe of Chippewa Indians
- President, Ho-Chunk Nation
- Chairperson, Lac Courte Oreilles Band of Lake Superior Chippewa Indians
- President, Lac du Flambeau Band of Lake Superior Chippewa Indians
- Chairperson, Menominee Tribe of Wisconsin
- Chairperson, Oneida Tribe of Indians of Wisconsin
- Chairperson, Forest County Potawatomi Community
- Chairperson, Red Cliff Band of Lake Superior Chippewa Indians
- Chairperson, Sokaogon Chippewa Community
- Chairperson, St. Croix Chippewa Indians of Wisconsin
- President, Stockbridge-Munsee Band of Mohican Indians
- Tribal Administrators and program staff as determined by the Tribal Leadership
- The Executive Director of the Wisconsin Housing and Economic Development Authority
- WHEDA administrators and other staff as determined by the Executive Director

The agenda, date, and location of the consultation session shall be determined jointly by the WHEDA Executive Director and Tribal chairpersons and presidents.

B. Other Meetings

The Executive Director of WHEDA shall assume the responsibility for scheduling, in consultation with Tribal leadership, additional consultation sessions at his or her discretion or as deemed necessary. In addition, any tribal chairperson or president may request meetings or other consultation with the Executive Director or other WHEDA representatives.

C. Annual Action Plan

WHEDA shall establish an annual action plan by which this government-to-government consultation policy shall be implemented. The action plan shall include:

- Programs: A list of products and services available to Tribes, including an overview of WHEDA program responsibilities and a WHEDA organizational chart.
- Policy and Program Development: Description of new or proposed initiatives, programs and policies that may affect Tribes.
- Priorities: Priority issues for resolution in conjunction with the Tribes.
- Consultation Process: The procedures to be used to consult with Tribes on existing and new policies and programs.
- Evaluation Process: The process to determine the effectiveness of the action plan with respect to the consultation process.

D. Training

It shall be part of consultation agendas to establish regular, ongoing training sessions for appropriate WHEDA employees and other individuals. The purpose of this training is to educate WHEDA employees regarding the requirements of a meaningful government-to-government relationship, including historical and cultural perspectives from the Tribes, and information about the importance of consensus building, Tribal sovereignty, and Tribal government. The Department of Administration's Division of Intergovernmental Relations will facilitate training and curriculum for appropriate department staff.

V. Resolution of Issues

Throughout any given year, specific issues affecting one or more Tribes and WHEDA may arise. These issues may be raised by either a Tribe or WHEDA, and may occur at various levels within either party. The following process is to be used when such issues arise.

A. *Initial Discussion*

When an issue arises and an authorized and designated Tribal or WHEDA representative contacts a representative of the other entity, they will discuss the issue and attempt to resolve it. If higher level involvement is required, the process described in Section V-B will be followed.

If resolution or non-resolution of the issue would affect a Tribe or Tribes other than the Tribe involved, then further discussion must occur as described in Section V-C.

B. *Issues Requiring Higher Level Involvement*

If higher level involvement is needed, the issue will be raised to the appropriate level in WHEDA and Tribe for resolution. Within WHEDA, the Executive Director's office will facilitate contact with the appropriate staff or management if required. Written communication between those parties shall occur as soon as reasonably possible to determine if the issue can be resolved. If the issue is resolved, no further action is required. If the issue cannot be resolved, the involved parties will determine if a process can be established for resolving the issue. It is recognized that some issues may not be able to be resolved to the satisfaction of all parties.

C. *Issues Affecting More Than One Tribe*

If it is determined that resolution or non-resolution of the issue will affect more Tribes than just the Tribe presently involved in the discussion, a WHEDA representative will make contact with

representatives of all Tribes. Communication involving all of the potentially affected parties will occur and will be facilitated by a WHEDA representative.

If the issue is resolved through agreement of the involved parties, no further action is required. If the issue cannot be resolved, then the issue shall be raised to higher level authorities as described in Section V-B.

VI. Outreach to Tribal Governments by Committees and Workgroups

The focus of this consultation policy is with individual Tribal governments. During the normal course of business, it is often necessary for WHEDA to establish committees, councils, workgroups, or similar bodies to provide advice and recommendations to WHEDA. Such committees, councils, workgroups or similar bodies, when dealing with policies or programs that may affect tribal governments, shall inform tribal Chairs/Presidents, in writing, of the proposed policy or program in order to solicit tribal input.

Appendix A GLOSSARY

For purposes of this consultation policy, the following terms and definitions will apply:

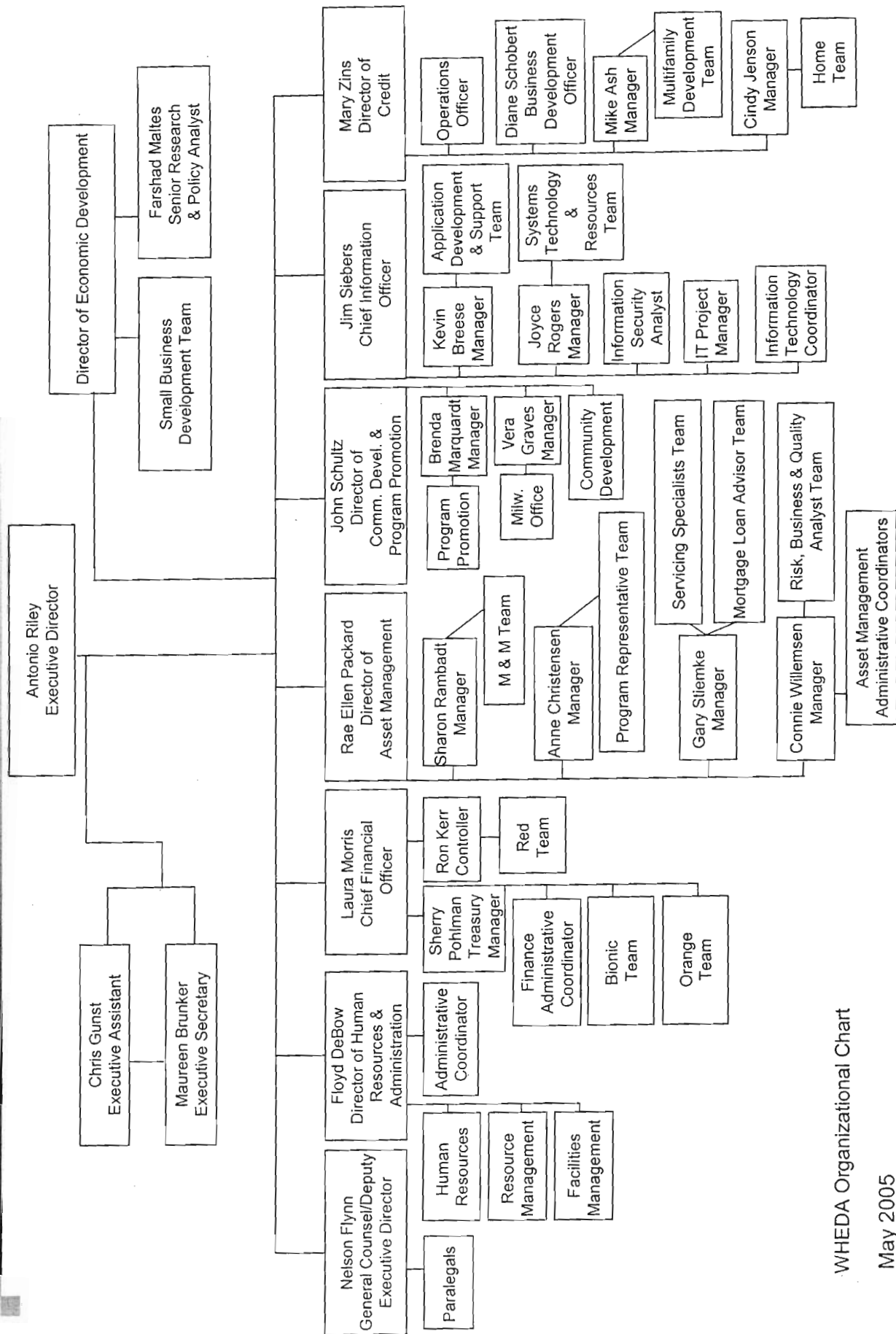
"American Indian Tribal government" means a sovereign government of a Native American people, embracing and occupying lands and territory, and having jurisdiction over same, lying within the geographical boundaries of the State of Wisconsin, which sovereignty is recognized by the Government of the United States of America and subject to the Constitution, laws and treaties of the United States of America, which also may be known as a "federally recognized Indian Tribe".

"Consultation" references a tool used to facilitate communication and interaction between the state government entity and all of the federally recognized Tribes in Wisconsin.

"Cultural awareness and sensitivity" means having due knowledge of and regard for the behavior patterns, civilization, customs, arts, beliefs, institutions and all other achievements and manifestations of human work and thought as expressed in a particular community.

"Government-to-government" means communication and dealings between sovereign governments, their agencies and other official entities.

"Sovereign" means a state in which supreme authority is vested.



WHEDA Organizational Chart

May 2005

